

PUBLIC HEARING—June 16, 1965

Appeal #8242 Frederic Patton, et al. appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on June 22, 1965:

ORDERED:

That the appeal for a variance from the side yard requirements of the R-1-B District to permit erection of a one-story side addition to the dwelling at 2839 Hurst Terrace, N.W., lot 804, square 1421, be denied.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot has a frontage of 50 feet on Hurst Terrace, a depth of approximately 170 feet, contains an area of 7893 square feet, and has a sixteen foot wide public alley in the rear.

(2) The lot is improved with two-story single-family dwelling with two side yards, one of 5'8" on the north side and 10' on the south side. These yards meet the requirements of the Zoning Regulations prior to 1958 when detached single-family homes were required to provide two side yards at least 8' in width.

(3) Appellant proposes to erect an addition on the south side of his dwelling and provide a side yard of 5'8" whereas the present yard is 10' in width.

(4) There was no objection to the granting of this appeal registered at the public hearing.

OPINION:

We are of the opinion that appellant has failed to prove a hardship within the provisions of Section 8207.11 of the Zoning Regulations as there is no exceptional narrowness, shallowness or shape of the lot, there is no exceptional topographical conditions or other extraordinary or exceptional situation or condition of the property to warrant a waiver of zoning requirements in this instance.

We are of the further opinion that to grant the waiver requested would be in derogation of zoning regulations as appellant now has a conforming side yard and his request would make this side yard nonconforming and therefore defeat the purpose of the side yard requirements of the R-1-B District.